THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.326 of 2007

05.1.2007

Between:

Tupakula Valli, S/o.Vannul Saheb

... Petitioner

AND

The Sub-Registrar, Pullampet, Kadapa District

... Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.326 of 2007

ORDER:

The petitioner statedly purchased the land admeasuring Acs.5.00 in survey No.1084/3 situated at Mukkavaripalle Village of Obulavaripalle Mandal in Kadapa District. He purchased the same from District Cooperative Central Bank, Cuddapah, in a public auction held on 03.6.2003 and obtained necessary documents from the Authorities concerned. On 22.12.2004, the petitioner executed sale deeds in respect of the said property in favour of Kataru Gangaiah and others and presented the same before the respondent for registration. The respondent received the documents and kept the same pending as Pending Document No.12/2004, 13/2004 and 14/2004, without assigning any reason. Alleging that the inaction of the respondent in not registering and releasing the pending documents as illegal and arbitrary, the present writ petition is filed.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General-A). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer, to examine the same with reference to Sections 31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.9.2004.

Following the above, this writ petition is disposed of directing the respondent or any other Registering Officer, that the documents presented by the petitioner may be considered for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. If the petitioner is aggrieved by the order of the Registering Authority, it shall be open to him to file appeal under Section 72 of the Act before the District Registrar. If the Appellate Authority declines to give direction to the Registering Authority, the aggrieved person has to file a suit under Section 77 of the Act.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

January 05, 2007.
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